

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



To:
OKABE, Masao

No. 602, Fuji
Bldg., 2-3, Marunouchi
3-chome, Chiyoda-ku, Tokyo
1000005 Japan

PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY
(PCT Rule 66)

Date of mailing
(day/month/year) **07. 6. 2005**

Applicant's or agent's file reference
CFO18122WO

REPLY DUE within **2** months from
the above date of mailing

International application No.
PCT/JP2004/006610

International filing date (day/month/year)
11. 05. 2004

Priority date (day/month/year)
12. 05. 2003

International Patent Classification (IPC) or both national classification and IPC
Int.Cl.⁷ G06F1/32, 3/12

Applicant
CANON KABUSHIKI KAISHA

1. ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.
2. This second (first, etc.) opinion contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☐ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(c).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability
(Chapter II of the PCT) must be established according to Rule 69.2 is: **30. 09. 2005**

Name and mailing address of the IPEA/JP

Japan Patent Office

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer

Ajima Tomoya

Telephone No. +81-3-3581-1101 Ext. 3521

5E 9741

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/JP2004/006610

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

- ☐ the international application as originally filed/furnished

- ☒ the description:
- pages 1-26 as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____

- ☒ the claims:
- Nos. 4, 8, 21 as originally filed/furnished
- Nos. _____ as amended (together with any statement) under Article 19
- Nos. 1, 5, 9, 12, 13, 16, 17, 18, 19 received by this Authority on 11.03.2005
- Nos. 20 received by this Authority on 11.03.2005

- ☒ the drawings:
- sheets/figs 1-19 as originally filed/furnished
- sheets/figs _____ received by this Authority on _____
- sheets/figs _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 2, 3, 6, 7, 10, 11, 14, 15
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☐ claims Nos. _____

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

Refer to Supplemental Box.

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing do not comply with the technical requirements
provided for in Annex C-bis of the Administrative Instructions in that the computer readable form:

☐

has not been furnished

☐

does not comply with the technical requirements

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: No. III

The embodiment of the invention shown in figures 3 does not fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear.

The term [based on] used in Claims 1, 13, 17 and 20 renders the definition of the subject matter of said claim unclear for the following reason: It does not have consistency in the portion in front of this term and the portion after this term.

The relative term [can be different from], used in claims 1, 5, 9, 13, 17, 18, 19 and 20 is vague and unclear, thereby rendering the definition of the subject-matter of said claims unclear.

The relative term [StandbyQuery instruction], used in claims 4, 8 and 16 is vague and unclear, thereby rendering the definition of the subject-matter of said claims unclear.